



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-14
AGENDA DATE: Thu 05/12/2005
PAGE: 1 of 1

SUBJECT: C14-04-0150 - Neighbor's Stop & Go - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning and amended to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0150

Z.P.C. DATE: November 2, 2004
November 16, 2004
January 18, 2005

ADDRESS: 6008 Manchaca Road

OWNER AND APPLICANT: Anthony R. Bertucci **AGENT:** Brown McCarroll, L.L.P.
(Annick C. Beaudet)

ZONING FROM: LO

TO: CS

AREA: 1.197 acres

AMENDED TO: LR-CO (January 14, 2005)

GO-MU (April 7, 2005)

LR-MU-CO (April 25, 2005)

GO-MU-CO (May 2, 2005)

SUMMARY STAFF RECOMMENDATION (Amended on May 5, 2005):

The staff's recommendation is limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the residential development of the property to 14 units.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 2, 2004: *POSTPONED TO 11/16/04 (NEIGHBORHOOD)*
[J.M; J.G 2ND] (9-0)

November 16, 2004: *POSTPONED TO 1/18/05 (APPLICANT)*
[J.M; J.G 2ND] (9-0)

January 18, 2005: *APPROVED LR-CO DISTRICT ZONING WITH THE CO PROHIBITING ALL LR USES EXCEPT FOR SERVICE STATION AND FOOD SALES, AND PERMITTING ALL LO USES; 2,000 TRIPS; EXTERIOR LIGHTING MUST BE HOODED OR SHIELDED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE FROM ADJACENT PROPERTY; PUBLIC RESTRICTIVE COVENANT ESTABLISHING THE HOURS OF OPERATION BETWEEN 6:00 A.M AND 11:00 P.M.*
[K.J; J.D 2ND] (5-2) T.R, C.H – NAY; M.W, J.M – ABSENT

ISSUES:

A valid petition of 23.31% has been filed by the adjacent property owners in opposition to this rezoning request. A separate petition has been filed by property owners living outside of the 200 foot wide petition area, also stating their opposition to the applicant's request.

The applicant would like to discuss the recommendation of the Zoning and Platting Commission regarding hours of operation, as the initially intended uses of the site – service station and food sales – are prohibited under the amended zoning district of GO-MU-CO.

The Acting President and a representative of the Cherry Creek SW Neighborhood Association have submitted a letter of opposition to anything other than LO district zoning. Several letters of

opposition have been received from the adjacent neighbors and are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one platted lot out of the Independence Park subdivision, takes direct access to Manchaca Road and is zoned limited office (LO) district. This segment of Manchaca Road between Stassney Lane and Berkett Drive consists of a shopping center and single family residences to the north (zoned GR and SF-2, respectively) and undeveloped land, apartments and duplexes to the south (SF-6, SF-2, GR and SF-3). The east side of Manchaca Road consists of single family residences, a City park and Crockett High School (zoned SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lot to the general office – mixed use – conditional overlay (GO-MU-CO) district for a mixed use project. The proposed Conditional Overlay establishes: 1) limited office (LO) development regulations, 2) prohibits drive-in services as an accessory use to a restaurant (limited) use, and 3) limits residential units to no more than 12 units per acre or 14 units. Although restaurant (limited) is a commercial use, it is a conditional use (thus requiring a Conditional Use Permit to be considered by the Zoning and Platting Commission) in the GO zoning district. A maximum of 14 residential units corresponds with the density allowed in SF-6 zoning which surrounds the property to the west.

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Undeveloped
<i>North</i>	SF-6; SF-2; GR	Undeveloped (with an approved zoning site plan for condominiums); Single family residences; Shopping center
<i>South</i>	SF-6; SF-2; GR; SF-3	Undeveloped (with an approved zoning site plan for condominiums); Single family residences; Apartments; Duplexes
<i>East</i>	SF-3	Garrison Park; Single family residences
<i>West</i>	SF-6; SF-2	Undeveloped (with an approved zoning site plan for condominiums); Single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

76 – Southwest Austin Neighborhood Assn.

384 – Save Barton Creek Association	385 – Barton Springs Coalition
428 – Barton Springs / Edwards Aquifer Conservation District	
461 – Cherry Creek SW Neighborhood Association	511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association	943 – Save Our Springs Alliance

SCHOOLS:

Cunningham Elementary School	Bedichek Middle School	Crockett High School
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CASE HISTORIES:

There are no recent case histories on the surrounding properties.

RELATED CASES:

In 1983 the rezoning area was approved for "O", Office, First Height and Area (converted to LO) zoning and included a Zoning Site Plan (Tract 1 in C14-80-145 – Ordinance Number 83-0324-H). The approved Zoning Site Plan for the office use is provided as Exhibit B.

The rezoning area is platted as Lot 2 of Independence Park subdivision, recorded in February 2001. Please refer to Exhibit C.

For Information: The surrounding 48.43 acres was rezoned to "A-2" Condominium Residence, First Height and Area (converted to SF-6), as Tract 2 of the same Zoning Site Plan application. A Replacement Site Plan for the condominium use was filed in 2000 and approved administratively by staff in July 2001. Subsequently, two interested parties filed an appeal of the approval of the Replacement Site Plan that was denied by the Zoning and Platting Commission on September 11, 2001 (SP-00-2489CR). On January 31, 2002, an Appeal of the Approval of the Replacement Site Plan was granted by the City Council.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Manchaca Road	Varies	40 feet	Arterial	23,220

- There are existing sidewalks along Manchaca Road.
- Manchaca Road is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Manchaca Road.

CITY COUNCIL DATE:

February 17, 2005

ACTION: Approved a Postponement request by the Neighborhood – 1st Request – to 3-10-05 (7-0).

March 10, 2005

Approved a Postponement request by the Applicant – 1st Request – to 4-7-05 (7-0).

April 7, 2005

Approved a Postponement request by the

Staff – 1st Request – to 5-12-05; Applicant
amended rezoning request to GO-MU
district zoning (7-0).

May 12, 2005

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



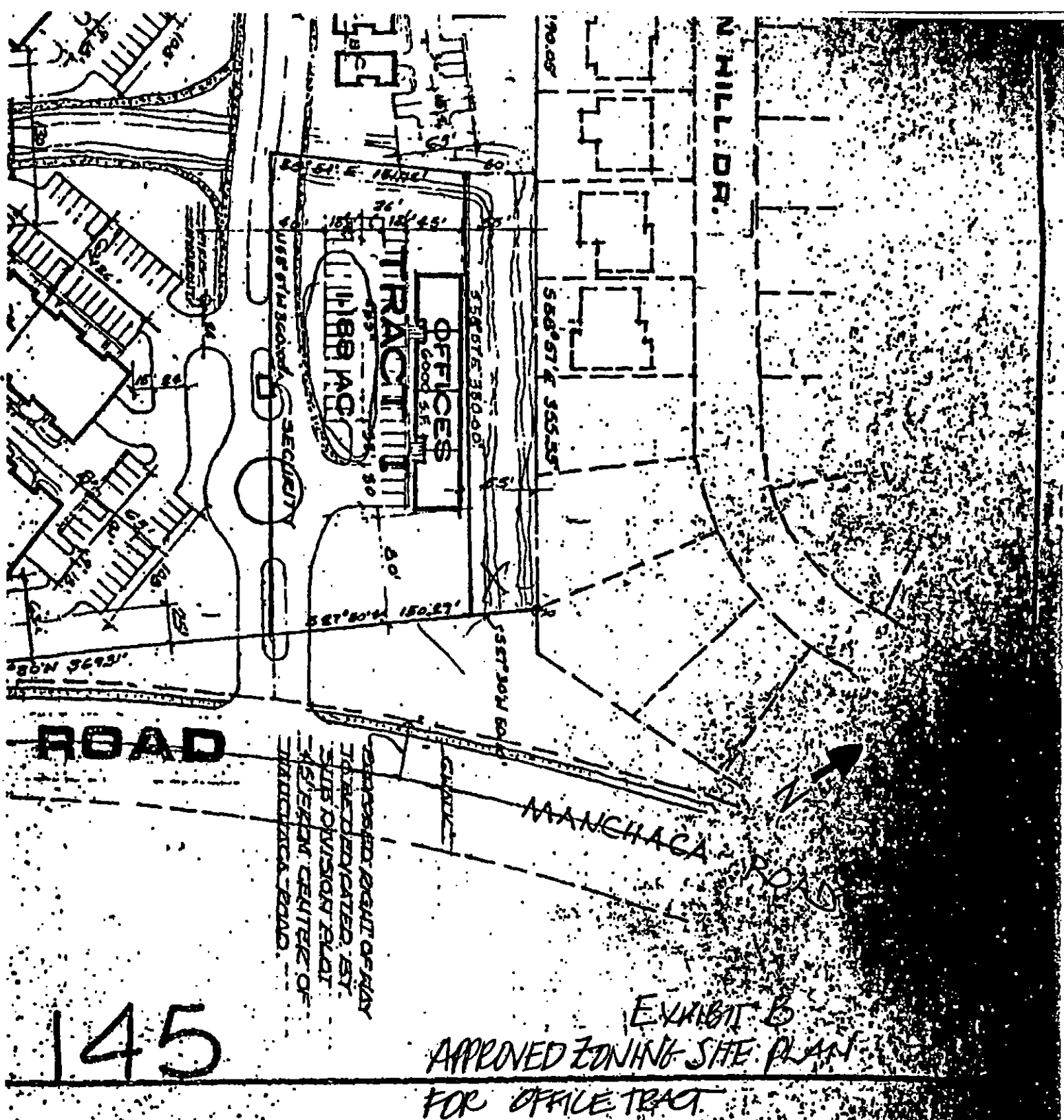
SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W. WALSH

CASE #: C14-04-0150
 ADDRESS: 8008 MANCHACA RD
 SUBJECT AREA (acres): 1.197

ZONING **EXHIBIT A**
 DATE: 05-05
 INTLS: 5M

CITY GRID
 REFERENCE
 NUMBER
 F17





INDEPENDENCE PARK



23000100P

LINE THICKNESS

1/8"	1/16"	1/32"	1/64"
1/16"	1/32"	1/64"	1/128"
1/32"	1/64"	1/128"	1/256"
1/64"	1/128"	1/256"	1/512"
1/128"	1/256"	1/512"	1/1024"
1/256"	1/512"	1/1024"	1/2048"
1/512"	1/1024"	1/2048"	1/4096"
1/1024"	1/2048"	1/4096"	1/8192"
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SUMMARY STAFF RECOMMENDATION (Amended on May 5, 2005):

The staff's recommendation is limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the residential development of the property to 14 units.

BACKGROUND

The subject rezoning area consists of one platted lot out of the Independence Park subdivision, takes direct access to Manchaca Road and is zoned limited office (LO) district. This segment of Manchaca Road between Stassney Lane and Berkett Drive consists of a shopping center and single family residences to the north (zoned GR and SF-2, respectively) and undeveloped land, apartments and duplexes to the south (SF-6, SF-2, GR and SF-3). The east side of Manchaca Road consists of single family residences, a City park and Crockett High School (zoned SF-3).

The applicant proposes to rezone the lot to the general office – mixed use – conditional overlay (GO-MU-CO) district for a mixed use project. The proposed Conditional Overlay establishes: 1) limited office (LO) development regulations, 2) prohibits drive-in services as an accessory use to a restaurant (limited) use, and 3) limits residential units to no more than 12 units per acre or 14 units. Although restaurant (limited) is a commercial use, it is a conditional use (thus requiring a Conditional Use Permit to be considered by the Zoning and Platting Commission) in the GO zoning district. A maximum of 14 residential units corresponds with the density allowed in SF-6 zoning which surrounds the property to the west.

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The GO, General Office, district is intended for offices and selected commercial uses predominantly serving community or City-wide needs.

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LO zoning district or the GO-MU-CO zoning district as offered by the Applicant would be 70%. This is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway

projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

The trip generation under the requested GO-MU zoning is estimated to be 1,917 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

No additional right-of-way is needed.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria and specifications.

Compatibility Standards

The site is subject to compatibility standards, due to SF-2 property within 540 feet. Along the north property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the north property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Chris Butler
6204 Blarwood
Austin, TX 78745

Oct. 26, 2004

City of Austin
Zoning and Planning Commission
Attn: Wendy Walsh
1 Texas Center
Austin, Texas

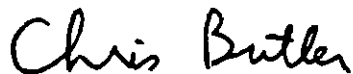
Dear Ms. Walsh,

As discussed earlier, members of the Cherry Creek Neighborhood Association SW would greatly appreciate a 2 week extension on an item currently scheduled for the Zoning and Planning Commission meeting on Nov. 2, 2004.

We have some concerns about a "limited office" parcel on Manchaca that is being considered for "general commercial" zoning, and would like to present them to the commission. However, the scheduled date of Nov. 2 may limit the number of our members who can attend, due to major elections also scheduled for that day.

If a 2 week delay is acceptable, we would much appreciate the courtesy.

Thank you,



Chris Butler
Acting President,
Cherry Creek Neighborhood Association SW

PUBLIC HEARING INFORMATION

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Barbara Kelley
Your Name (please print)

2207 Falcon Hill Dr.
Your address(es) affected by this application

Barbara Kelley
Signature

10/26/04
Date

Signature

441-5058
Daytime Telephone

Comments: This would be built right across the street from the opening of Garrison Park. Would create more traffic. We have drive in stores on Manchaca & Berkley & another on Manchaca & Southern Oaks.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Your Name (please print) Deirdre Anderson

2105 Falcon Hill

Your address(es) affected by this application

Deirdre Anderson

Signature

Daytime Telephone: 693-2640

Date

10-25-04



Comments: There is already too much dangerous traffic in the area because of the school & park. Also we have a bad flooding problem in our back yard. I'm afraid any construction will cause it to become worse. Plus I don't want any type of business in my back yard.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

KATHLEEN T. ALLEN

Your Name (please print)

2200 FALCON HILL DR

Your address(es) affected by this application

Matthew J. Allen

Signature

Date

Daytime Telephone: 442-7148

Comments: This intersection is currently so very congested during the 9 months the students are at Crockett High School - the primary spike from the student parking lot is only about 50 feet from the proposed business. The hearing the month of November will be a good one, also directly across the street has a business called by the name of the intersection. Please consider this very carefully.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810





NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

Mailing Date: September 28, 2004

Case Number: C14-04-0150

Please be advised that the City of Austin has received an application for rezoning of a property that is within 300 feet of your property. City Ordinance requires that all property owners within 300 feet of the subject property and affected neighborhood organizations be notified when an application has been filed.

If you have any questions concerning this application, please contact Wendy Walsh of the Neighborhood Planning and Zoning Department at (512) 974-7719 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm.

Owner/Agent: Anthony R. & Mildred L. Bertucci

Telephone: 512-837-0509

Location: 6008 Manchaca Road

Proposed Zoning Change

From LO - Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

To CS - General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

The rezoning of a property requires approval by a Land Use Commission and final approval by the City Council. When scheduled, you will receive a notice for each public hearing which will provide the date, time, and location of the public hearing. You are encouraged to participate in this process.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.

I object to this business being directly behind my residence. A convenience store with a service gas station does not fit in this area. There is a 7-11 convenience store & 2 blocks south on Manchaca Rd. There is a convenience store w/ service gas station 2-3 blocks north on Manchaca Road. There is no need for another one of these businesses that close together. Also there is no traffic signal light to keep the traffic move. The other 2 places are on corners w/ signal lights. What a mess this will be.

Rosa J. Kent
2113 Falcon Hill Dr.
Austin, TX 78745-3521

Rosa J. Kent

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Judith G. WARREN

Your Name (please print)

☐ I am in favor
☒ I object

2106 Falcon Hill Dr.

Your address(es) affected by this application

Judith G. Warren

Signature

Oct 28, 2004

Date

Daytime Telephone: 442-5841

Comments: This type zoning is
not compatible to the neighborhood,
the park or the adjoining
homes. I request that it
not be approved.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department.

Melanie Vait Vlie

Your Name (please print)

2203 Falcon Hill Dr Austin 78745

Your address(es) affected by this application

Maunax R 10/26/04

Signature

Date

Daytime Telephone: 512-326-5456

Comments: Bad idea! Businesses would
ruin the field of trade already
existing there. Plus, any business
in this area is immediately devoured
by the high school population,
constantly filtering from across
the street. I do not foresee a
thriving business of any kind.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Sabara A. Buchanan

Your Name (please print)

2107 Falcon Hill Dr. Aus 78753

Your address(es) affected by this application

Sabara A. Buchanan 1/11/05
Signature Date

Daytime Telephone: 512-944-4453

Comments: Redemptions check. This is a

Landfill Traffic Division on Mexican Rd.
Crickett HS, Houston Park, & 2nd State
Franklin & Deloitte. No light & control
Traffic. Many residents happy with people
making left turns into each house.
Not compatible with a large commercial
Traffic area! Commercial area would
be a good idea. Mainland with 3 blocks
each way! We don't need any more

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

Shirley

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

KATHLEEN T. ALLEN

Your Name (please print)

☐ I am in favor
☒ I object

2200 FALCON HILL DRIVE, AUSTIN, 78745

Your address(es) affected by this application

Kathleen T. Allen

Signature

1-12-05

Date

Daytime Telephone: 512-442-7148

Comments: I oppose this proposed change,

primarily because of additional traffic that
would be generated by any commercial venture.
By the summer, Barrick Park is heavily
traversed by families, mostly by car - in the
fall it is football practice & in spring, softball -
plus, the E. City area students who attend school -
now with the College (Austin Community) building

adjacent the traffic will not be able to cope
with anything that allows additional auto's. Love

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

Spring is in
is, please.

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Your Name (please print) WANDA J. MILLS

2609 Coathridge 78745

Your address(es) affected by this application

Shady Grove

1-18-2005

Date

Signature

Daytime Telephone: 512.441.8346

Comments: A lot of thought and consideration would need to be given to the type development planned for this plot of land before the neighborhood would feel comfortable. We already have a lot of cut-through traffic on our neighborhood street. We have explored various options to alleviate the problem, but haven't solved it. Any further commercialization of the area would make matters worse. This is a quality of life issue.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Vicki Keller

Your Name (please print)

2607 COATBRIDGE DRIVE -45

Your address(es) affected by this application

Vicki Keller

Signature

1-18-05

Date

Daytime Telephone: 383-0389

Comments: MY PRIMARY OBJECTION TO THIS RE-ZONING APPLICATION IS BASED ON TRAFFIC AND SAFETY CONCERNS. THE COMBINATION OF CLODETT H.S., GARLSON DISTRICT PARK, CUNNINGHAM ELEMENTARY, THE MANCHACA LIBRARY, THE CHEROKEE SHOPPING CENTER, AND THE FORETHOMING AUSTIN COMMUNITY COLLEGE CAMPUS BRINGS A TREMENDOUS AMOUNT OF VEHICULAR, PEDESTRIAN, AND BICYCLE TRAFFIC THROUGH A RESIDENTIAL AREA ON ROADS THAT ARE UNABLE TO SUPPORT IT SAFELY. A

(map attached)

If you use this form to comment, it may be returned to: CHANGE FROM THE TO ZONING TO

City of Austin

Neighborhood Planning and Zoning Department at CS ZONING

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

WILL HAVE A NEGATIVE IMPACT ON THIS COMMUNITY.

16 Nov. 2004

Attn: Wendy Walsh

Re: 6008 Manchaca Rd

As applicant of Case C14-04-0150,
I am requesting a postponement
to 18 January 2005.

Thank you,

Anthony R Bertucci
512-837-0509

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Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

DAVID KROFF

Your Name (please print)

2600 COATBRIDGE DR.

Your address(es) affected by this application

DAVID KROFF

Signature

Date

Daytime Telephone: 773-0383

Comments:

There are similar stores in the area and we don't need any more. We need more positive development for this lot - i.e. Dr. office, dentist office, etc.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719.

Public Hearing:

January 18, 2005 Zoning and Planning Commission

Your Name (please print) Susan Kraft ☐ I am in favor ☒ I am object

2600 Coatbridge Dr.

Your address(es) affected by this application

Susan Kraft 1/17/05
 Signature Date

Daytime Telephone: 773-0384

Comments:

Consideration needs to be given regarding the effect this zoning change will have on the neighboring high school, elementary school, and public park within easy walking distance of the children.

If you use this form to comment, it may be returned to:

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 Neighborhood Planning and Zoning Department
 Wendy Walsh
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Joan + Stan Hilbig
Your Name (please print)

☐ I am in favor
☒ I object

2608 Baxter Dr.

Your address(es) affected by this application

Joan Hilbig & Stanley Hilbig 1-18-05
Signature Date

Daytime Telephone: 447-9186

Comments: 1) In compatibility with residential zoning

2) Traffic hazards to students & pedestrians w/out traffic light

3) Increased traffic on Menchaca Rd - beyond capacity now.

4) Unneeded - Convenience store 3 blks away.

5. Devastating effects of industrial/commercial use on

neighborhood stability.

6. No guarantee CS rezoning would result in

compatible development.

7. CS zoning allows for explosive mtls. offensive

conditions and a 55' building height.

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Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

GEORGE E. HUFFMAN

Your Name (please print)

2607 CONTRIBRIDGE DR, 07045

Your address(es) affected by this application

[Signature] 1-18-05

Signature

Date

Daytime Telephone: 3830389

Comments: This is a part of the community where growth will have a negative impact on the safety of children. The children at Contrabridge are at risk from automobiles and this will increase the risk of more children getting killed. I also feel that any growth/development on any part of this block of land will increase water runoff which will directly affect my property.

If you use this form to comment, it may be returned to:

City of Austin

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Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

SIMON T. MILLS

Your Name (please print)

2609 Contrabridge

Your address(es) affected by this application

[Signature] 1/18/05

Signature

Date

Daytime Telephone: 441-8346

Comments: One major objection concerns the description of CS zoning. This is a residential environment & we don't need incompatible development. A second is the increased number of front development on this property.

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Deirdre Anderson

Your Name (please print)

2105 Falcon Hill Austin 78745

Your address(es) affected by this application

Deirdre Anderson

Signature

1-13-05

Date

Daytime Telephone: 693-2040

Comments: There is already too much traffic and it's very dangerous because of all the children from the school and the park. Any type of business would just add to the problem I also do not want a business in my back yard. There was one when I bought it and I want it to stay that way.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Your Name (please print) Barbara Kelley

2207 Falcon Hill Dr.

Your address(es) affected by this application

Barbara Kelley

Signature

Date

Daytime Telephone: 512-444-5658

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0150
Contact: Wendy Walsh, (512) 974-7719 974-6054 (fax)
Public Hearing:
January 18, 2005 Zoning and Platting Commission

CHAD R. JOHNSON
Your Name (Please print)

2201 FALCON HILL DR. AUSTIN, TX. 78745
Your address(es) affected by this application

Chad R. Johnson 1-17-05
Signature Date

302-3447
Daytime Telephone

Comments: As concerned property owner of a lot and home adjacent to this proposed project requiring a zoning change, my wife and I must object to any zoning change to a MU or related zoning. Mr. Monahan is already litigious with numerous other and ante again before the court. To allow another development directly across Garrison Park and land by residential developments across a big mistake. We oppose any zoning change not compatible with residential environments.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

January 14, 2005

VIA EMAIL & REGULAR MAIL

Wendy Walsh, Senior Planner
City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Zoning Case No. C14-04-0150

6008 Manchaca Road

Dear Wendy:

Please accept this letter as our client's formal amendment of the zoning application submitted for the above referenced zoning case. The application submitted requested a rezoning from Limited Office (LO) to General Commercial Services (CS) district zoning. By this letter, we are amending our application to a request for a rezoning from Limited Office (LO) to Neighborhood Commercial-Conditional Overlay (LR-CO) district zoning. The CO would prohibit all LR uses except Service Station and Food Sales. Therefore, the permitted uses on the site would be limited to those permitted within a Limited Office (LO) zoning district, Service Station, and Food Sales.

Our client is requesting this amendment in response to concerns brought forth by the neighbors living in the area to the north of the Property. Per my conversations with Chris Butler of the Cherry Creek Southwest Neighborhood Association, it is my understanding that the neighborhood is more concerned with the future development of the adjacent, undeveloped, 40-acre tract (of which we are not the owners and over which we have no control) but would also like to retain the existing LO on our one acre tract. Given that the majority of Manchaca Road already supports a mix of retail and residential zoning, we feel that the addition of one acre of LR-CO would not negatively affect conditions on Manchaca Road and would fit well into the existing mix of zoning and land uses.

Again, while this property does not abut any property within the neighborhood, in an effort to address the concerns of the neighborhood representatives we are amending our request so as to create the least possible intensive zoning change while still allowing our client to develop and use his property as he feels is desirable at this time.

Should you need any further information, please contact me at 703-5741.

Wendy Walsh
January 13, 2005
Page 2

Respectfully yours,

Annick Beaudet

Annick Beaudet
Land Development Coordinator

Enclosure

cc: Chair Betty Baker, Zoning and Platting Commission

Zoning and Platting Commission Members

Anthony Bertucci, property owner

Nikelle S. Meade, Esq.

Cherry Creek SW Neighborhood Association

2608 Baxter Dr.

Austin, TX 78745

(512) 447-9186 hillhouse@msn.com

February 7, 2005

**Will Wynn, Mayor, City of Austin
Jackie Goodman, Mayor Pro Tem
Daryl Slusher, Place 1 Council Member
Raul Alvarez, Place 2 Council Member
Betty Dunkerley, Place 4 Council Member
Brewster McCracken, Place 5 Council Member
Danny Thomas, Place 6 Council Member**

Attn: Wendy Walsh

**RE: File Number C14-04-10150
6008 Manchaca Road
Proposed Zoning Change
From LO to LR-CO**

The Cherry Creek SW Neighborhood Association (CCSWNA) respectfully requests a postponement of the above issue scheduled to come before the Council on February 17, 2005. We would like a postponement until March 10, 2005, as several key officers of CCSWNA will be unavailable on February 17, and March 3.

In the meantime, we hope to meet with the applicant, hold a neighborhood meeting in which the applicant and his agent will be able to attend, make their presentation and answer some of the concerns of the neighborhood residents.

Thank you for your consideration.

Sincerely,

**Joan Hilbig
Acting President
CCSWNA**

**Wanda Mills
2609 Coatbridge
Austin, TX 78745
441-8346**

PETITION

Date: _____
File Number: C14-04-0150

Address of Rezoning Request:
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *within* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-Limited Office.

We protest against a change because any use of this property other than LO or residential would be detrimental to this South Austin community. Housing north of the proposed tract is below grade of proposed rezoning tract and is subject to flooding without adding impervious cover. Additional concerns relate to traffic, noise, and light pollution. The property owners in adjacent housing have paid property taxes for over 30 years and would suffer an unnecessary decline in property values if development incompatible with a residential area is allowed. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address Austin, TX 78745
<i>Deirdre Anderson</i>	Deirdre Anderson	2105 Falcon Hill Dr.
<i>Barbara Buchanan</i>	Barbara Buchanan	2107 Falcon Hill Dr.
<i>Kelvin Wilson</i>	<i>Alicia Wilson</i>	2109 Falcon Hill Dr.
<i>Chris Coley</i>	CHRIS COLEY	2111 Falcon Hill Dr.
<i>Rosa Jo Kent</i>	Rosa Jo Kent	2113 Falcon Hill Dr.
<i>Chad R. Johnson</i>	CHAD R. JOHNSON	2201 Falcon Hill Dr.
<i>Melanie van't Vlie</i>	Melanie van't Vlie	2203 Falcon Hill Dr.
<i>W.O. Callaghan</i>	W.O. CALLAGHAN	2205 Falcon Hill Dr.
<i>Barbara Kelley</i>	Barbara Kelley	2207 Falcon Hill Dr.

PETITION

Date: _____

File Number: C14-04-0150

Address of Rezoning Request:

6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification more intense than LO-Limited Office.

We protest against this zoning change because any use of this property other than LO or residential would be detrimental to this South Austin community. Noise, additional traffic on over crowded roads, air and solid waste pollution, student and pedestrian safety are all concerns of the neighborhood residents. Adding impervious cover would threaten adjacent homes with further flooding problems. The property owners in this neighborhood have paid property taxes for over 30 years and would suffer an unwarranted decline in property values if you approve development incompatible with a residential area. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address - Austin, TX 78745

Joyce Halden Fiorella Joyce Fiorella 2202 Falcon Hill

Vicki Keller

VICKI KELLER

21007 COATBRIDGE DRIVE

George E. Huffman

GEORGE E. HUFFMAN

2607 COATBRIDGE DR.

Benjamin Bays

BENJAMIN BAYS

5911 WESTGATE BLVD

Gary Dry

GARY DRY

2419 Coatbridge Dr.

Sharon Adams

SHARON ADAMS

2617 Coatbridge Dr.

Charles Adams Jr.

CHARLES ADAMS JR.

2617 Coatbridge Dr

Paul R. Ondrias

PAUL R. ONDRIAS

2611 COATBRIDGE DR

Janie Rodriguez

Janie Rodriguez

2605 coatbridge Dr.

Elisada Ramirez

Elisada Ramirez

2605 Coatbridge Dr.

Marina Rey

MARINA RODRIGUEZ

2605 Coatbridge

Anna Knox

ANNA KNOX

2210 Falcon Hill 78745

PETITION

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Signature Printed Name Address - Austin, TX 78745

Chris Butte Chris Butler 6204 Blarwood

Claudette Huke Claudette Huke 6204 Blarwood

GERALD CUMER, CAMMIE CUMER ~~CLAUDETTE HUKER~~ 5909 WESTBARK BLVD.

Monique Lehning Monique Lehning 2600 Baxter Dr.

William Daurte WILLIAM DAURTE 2304 BROOKHILL DR

Ginna Beal Ginna Beal 5908 Burnhill 78745

Ryan Bayless Ryan Bayless 5906 Burnhill 78745

Elizabeth Hernandez ELIZABETH HERNANDEZ 5906 Burnhill 78745

Deanne Plumley DEANNE PLUMLEY 5904 BURNHILL DR. 78745

Debbie Harst Debbie Harst 5810 Burnhill DR 45

Francis Brooks Francis Brooks 5802 Burnhill

Steven M. Johnson Steven M. Johnson 5700 Burnhill

PETITION

Date: _____
File Number: C14-04-0150

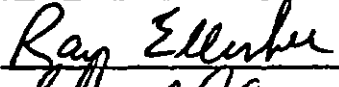
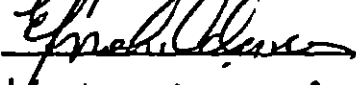

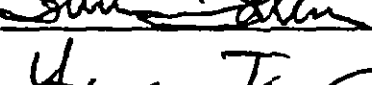
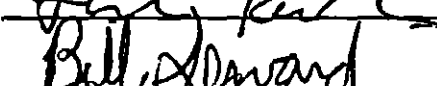
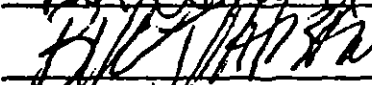
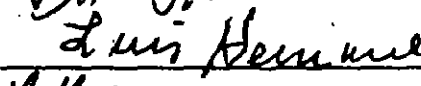
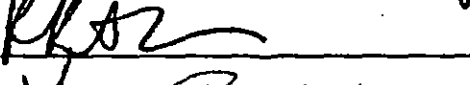
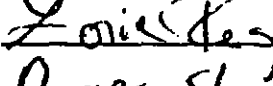
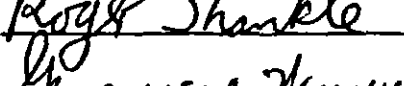


Address of Rezoning Request:
6008 Manchaca Road

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We protest against this zoning change because any use of this property other than LO or residential would be detrimental to this South Austin community. Noise, additional traffic on over crowded roads, air and solid waste pollution, student and pedestrian safety are all concerns of the neighborhood residents. Adding impervious cover would threaten adjacent homes with further flooding problems. The property owners in this neighborhood have paid property taxes for over 30 years and would suffer an unwarranted decline in property values if you approve development incompatible with a residential area. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
	RAY Ellerbee	2509 Coakbridge Dr.
	Edward L. Adkinson	2506 Coakbridge Dr.
	Kimberly Galvan	2100 Falcon Hill Dr
	STEVE TOLLER	2406 Bay Ridge Dr
	LANCE Tomlinson	5701 BURNHILL DR
	Bill Seward	5703 Burnhill Dr.
	BILL SEWARD	5801 BURNHILL
	Luis Hernandez	5808 Burnhill Dr.
	REBECCA ROWBATHAM	5806 BURNHILL DR
	Lorie Regalado	5901 Burnhill Dr.
	Roger SHANKLE	5907 BURNHILL DR.
	Genevieve Harwell	5905 "

PETITION

Date: _____
File Number: C14-04-0150

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Signature Printed Name Address - Austin, TX 78745

Laurie Randel Laurie Randel 2203 Brookhill

Lori Randel Lori Randel 2203 Brookhill

E. Henry Mayo Jr. E Henry Mayo Jr. 2204 Brookhill Dr

D.T. Chapman D.T. CHAPMAN 2202 BROOKHILL DR.

Jean L. Chapman JEAN CHAPMAN 2202 Brookhill Dr

Cody Wehmer Cody Wehmer 2207 Brookhill Dr.

Isam Bandak ISAM BANDAK 2205 Brookhill Dr.

Sandra Garcia SANDRA GARCIA 2110 Brookhill Dr.

Sandy McCollum SANDY MCCOLLUM 2109 BROOKHILL DR.

Barbara Hillman Barbara Hillman 2004 Brookhill Dr

Judith G. Warren Judith G. WARREN 2106 FALCON HILL DR

Pam Turner PAM Turner 2302 Berwyn Lane

PETITION

Date: _____
File Number: C14-04-0150

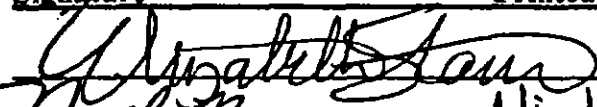
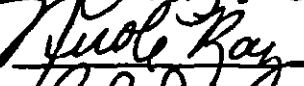

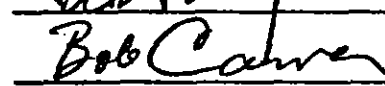
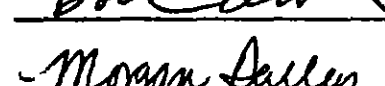
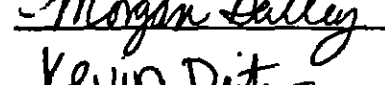
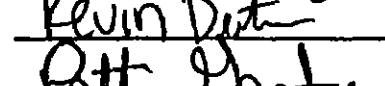


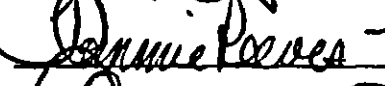
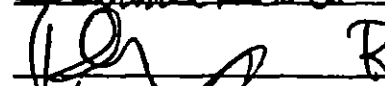

Address of Rezoning Request:
6008 Manchaca Road

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
	Elizabeth Standifer	
	Nicole Ray	2524 Baxter Dr. 78745
	Bob Ray	2524 Baxter Dr. 78745
	Bob Carver	2614 Coatbridge 78745
	Morgan Alley	2515 Baxter 78745
	Kevin Deiters	2512 Baxter 78745
	Patty Gaston	2509 Baxter 78745
	Jennifer Perkins	2510 Baxter 78745
	Tommie Reeves	2613 Carlow Dr 78745
	ROBERT ANDERSON	2504 BAXTER 78745
	KATHLEEN TULL	2512 BECKETT 78745
	WALTER U. HYSTER	2515 BAKER 78745

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<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Josie Driener</u>	<u>JOSE</u>	<u>2605 Baxter Dr. Austin TX 78745</u>
<u>Joseph Driener</u>	<u>JOSEPH</u>	<u>2605 Baxter " "</u>
<u>ANN HAYES</u>	<u>Margaret</u>	<u>2607 Baxter " "</u>
<u>DON HAYES</u>	<u>DON</u>	<u>2607 Baxter " "</u>
<u>Sharon Managau</u>	<u>Sharon</u>	<u>2611 Baxter</u>
<u>Barbara Hockett</u>	<u>Barbara</u>	<u>2610 Baxter Dr.</u>
<u>Dolores Rodriguez</u>	<u>Dolores</u>	<u>2529 Baxter Dr.</u>
<u>RAY HANISOA</u>	<u>RAY HANISOA</u>	<u>2526 Baxter</u>
<u>John Westlund</u>	<u>John Westlund</u>	<u>2533 Baxter Dr.</u>
<u>GERARDO GARCIA</u>	<u>GERARDO GARCIA</u>	<u>2532 BAXTER Dr.</u>
<u>David C Senecal</u>	<u>David C Senecal</u>	<u>2534 Baxter Dr.</u>
<u>Madison Seale</u>	<u>Madison - Seale</u>	<u>2535 Baxter Dr.</u>

NAME-sign

print

address

Ralph D. Ellis

Ralph D. Ellis

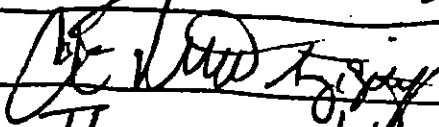
2604 Baxter Dr., Austin, TX 78745

Iris Gradner



2537 Baxter Dr. Austin TX

CRAIG & Amy



2601 Baxter Dr.

78745

Theressa Lyons

Theressa Lyons

2317 Campden Dr

78745

Ann Snitker

Ann Snitker

2615 Baxter Dr

78745

* Mark Smith

Mark Smith

2616 Baxter Dr

78745

Joan R Andersen

JOAN R. ANDERSEN

2618 BAXTER DR

78745

Jerry S. Andersen

JERALD S. ANDERSEN

2618 BAXTER DR

78745

PETITION

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Signature Printed Name Address - Austin, TX 78745

Robert L. Bemis ROBERT L. BEMIS 2601 COATBRIDGE DR. 78745-3123

Mary E. Tolliver MARY E. TOLLIVER 2102 Brookhill Drive

Dorothy M. Orlton DOROTHY M. ORLTON 2302 Brookhill Dr.

Robert L. Orlton ROBERT L. ORLTON 2302 Brookhill Dr.

Anna Knox ANNA KNOX 2210 Falcon Hill Dr. Austin 78745

Pauline Gamble PAULINE GAMBLE 2530 Baxter Dr. 78745

Elaine J. Coy ELAINE J. COY 2305 Falcon Hill Dr. 78745

Susan Kroft SUSAN KROFT 2600 Coatbridge Dr

David Kroft DAVID KROFT 2600 COATBRIDGE DR

Nita Knox Nita K. Nathan 2501 & 2503 COATBRIDGE DR 78745

Donald J. Lehning DONALD J. LEHNING 2600 Baxter Dr.

Moni K. Lehning Moni K. Lehning 2600 Baxter Dr.

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<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>James V. Samuelson</u>	<u>JAMES SAMUELSON</u>	<u>2614 Baxter Dr 78745</u>
<u>Bernadette Muras</u>	<u>Bernadette Muras</u>	<u>2420 Baxter Dr 78745</u>
<u>Stephen Muras</u>	<u>Stephen Muras</u>	<u>" " "</u>
<u>Gileen Gillespie</u>	<u>GILEEN GILLESPIE</u>	<u>2626 BAXTER DR 78745</u>
<u>Laura J. Hendrix</u>	<u>Laura J. Hendrix</u>	<u>2627 Baxter Dr 78745</u>
<u>Eric Hendrix</u>	<u>ERIC Hendrix</u>	<u>2627 Baxter Dr 78745</u>
<u>Donna L. Copeland</u>	<u>DONNA L. Copeland</u>	<u>2617 Baxter Dr 78745</u>
<u>Joan Hilbig</u>	<u>Joan Hilbig</u>	<u>2608 Baxter Dr</u>
<u>Stanley Hilbig</u>	<u>Stanley Hilbig</u>	<u>2608 Baxter Dr.</u>

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<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Pat Thompson</u>	<u>PAT THOMPSON</u>	<u>2103 Brookhill Dr</u>
<u>Marsha Lehman</u>	<u>MARSHA LEHMAN</u>	<u>2201 Brookhill Dr</u>
<u>Julio C. Satter</u>	<u>JULIO C. SATTER</u>	<u>2204 Falcon Hill</u>
<u>Dianne Crawford</u>	<u>DIANNE CRAWFORD</u>	<u>2206 Falcon Hill Dr</u>
<u>Randy Whitaker</u>	<u>RANDY WHITTAKER</u>	<u>2208 Falcon Hill Dr</u>
<u>Robert Statts</u>	<u>ROBERT STATTS</u>	<u>2300 Falcon Hill</u>
<u>Kathleen T. Allen</u>	<u>KATHLEEN T. ALLEN</u>	<u>2202 Falcon Hill Dr</u>
<u>Clarence D. Martin</u>	<u>CLARENCE D. MARTIN</u>	<u>2200 Brookhill Dr</u>
<u>Connie Yznaga</u>	<u>CONNIE YZNAGA</u>	<u>2002 Brookhill</u>

PETITION

Date: _____
File Number: C14-04-0150

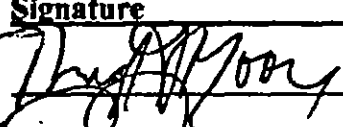

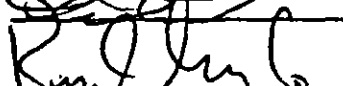
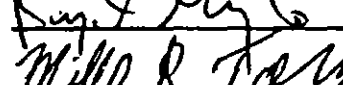
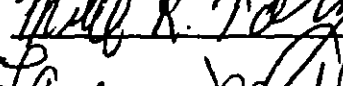

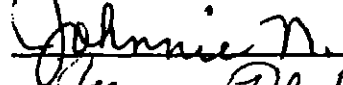
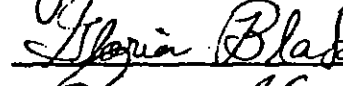


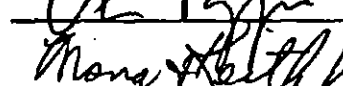
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Signature	Printed Name	Address - Austin, TX 78745
	HUGH G. MOORE	6001 WESTGATE, 78745
	David Hunt	6003 Westgate 78745
	RAYMOND GUJARDO	6005 WESTGATE 78745
	MIKE R. TORREZ	6009 W. Gate 78745
	LAVERN	6003 Cherry Creek
	JOHNNIE N. BURKE	5912 Cherry Creek Dr.
	GLORIA BLAKELY	5910 Cherry Creek Dr.
	RAYMOND E. BETHUNE	5915 BURROUGH TR.
	CHRIS PAPPAS	5905 Cherry Creek Dr.
	MONA R. WRIGHT	5911 Cherry Creek
	MARY HURD	6007 WESTGATE Austin

Cherry Creek SW Neighborhood Association

2608 Baxter Dr.

Austin, TX 78745

(512) 447-9186 hillhouse@msn.com

March 1, 2005

**Will Wynn, Mayor, City of Austin
Jackie Goodman, Mayor Pro Tem
Daryl Slusher, Place 1 Council Member
Raul Alvarez, Place 2 Council Member
Betty Dunkerley, Place 4 Council Member
Brewster McCracken, Place 5 Council Member
Danny Thomas, Place 6 Council Member**

Attn: Wendy Walsh

**RE: File Number C14-04-10150
6008 Manchaca Road
Proposed Zoning Change
From LO to LR-CO**

The Cherry Creek SW Neighborhood Association (CCSWNA) representing residents in South Austin bounded by Stassney Lane, Westgate Blvd., Berkley and Manchaca Rd., respectfully request your vote denying rezoning the above noted tract as witnessed by the attached petitions.

CCSWNA has held several meetings on this issue and has met with Mr. Bertucci's agent, Annick Beaudet. The area residents are very concerned that rezoning this tract is not appropriate for our neighborhood and they agree with the City staff's recommendation that LO is the correct zoning and should not be changed.

The residents affected by this proposed rezoning purchased their properties with the zoning as it existed at that time and have lived up to their designated uses, Mr. Bertucci bought his property, zoning it to LO and he needs to live up to the use designated by his zoning. The area residents have supported the City of Austin with property taxes for over thirty (30) years and want to protect their investments vs. one man who wants to make a profit. South Austin residents would not be served by rezoning this tract. Any rezoning above the LO designation will degrade property values, contribute to already unacceptable flooding conditions to nearby homes, be an attractive nuisance and safety risk to children and students trying to cross Manchaca Road, as well as increase noise, solid waste and toxic gas fumes from this operation.

Manchaca Rd. is a major North/South artery and with the new ACC Stassney campus, a location adjacent to Crockett High School and new housing developments in the area more stop & go traffic which this business would create would snarl traffic and burden Manchaca Road beyond reasonable capacity.

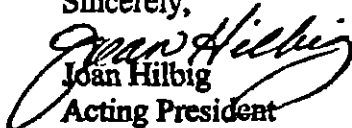
City of Austin Council Members
March 1, 2005
Page 2

There are already five convenience/gas stores in the vicinity—three on Manchaca between Berkeley and Jones Road, one on Stassney at Westgate and one on Stassney at Emerald Forest, plus others which have gone out of business—area residents have spoken, clearly indicating they do not want or need another.

Finally, At the Planning and Zoning meeting on December 23, 2004, Ms. Beaudet named several proposed ideas the owner had for the tract indicating he did not seem to have a clear idea of what he wants to do with the property *just so long so long as the zoning is changed*. Rezoning above the LO designation is not in the best interest of this South Austin community and we respectfully ask that you represent the majority of residents in this area and do not approve the request for rezoning.

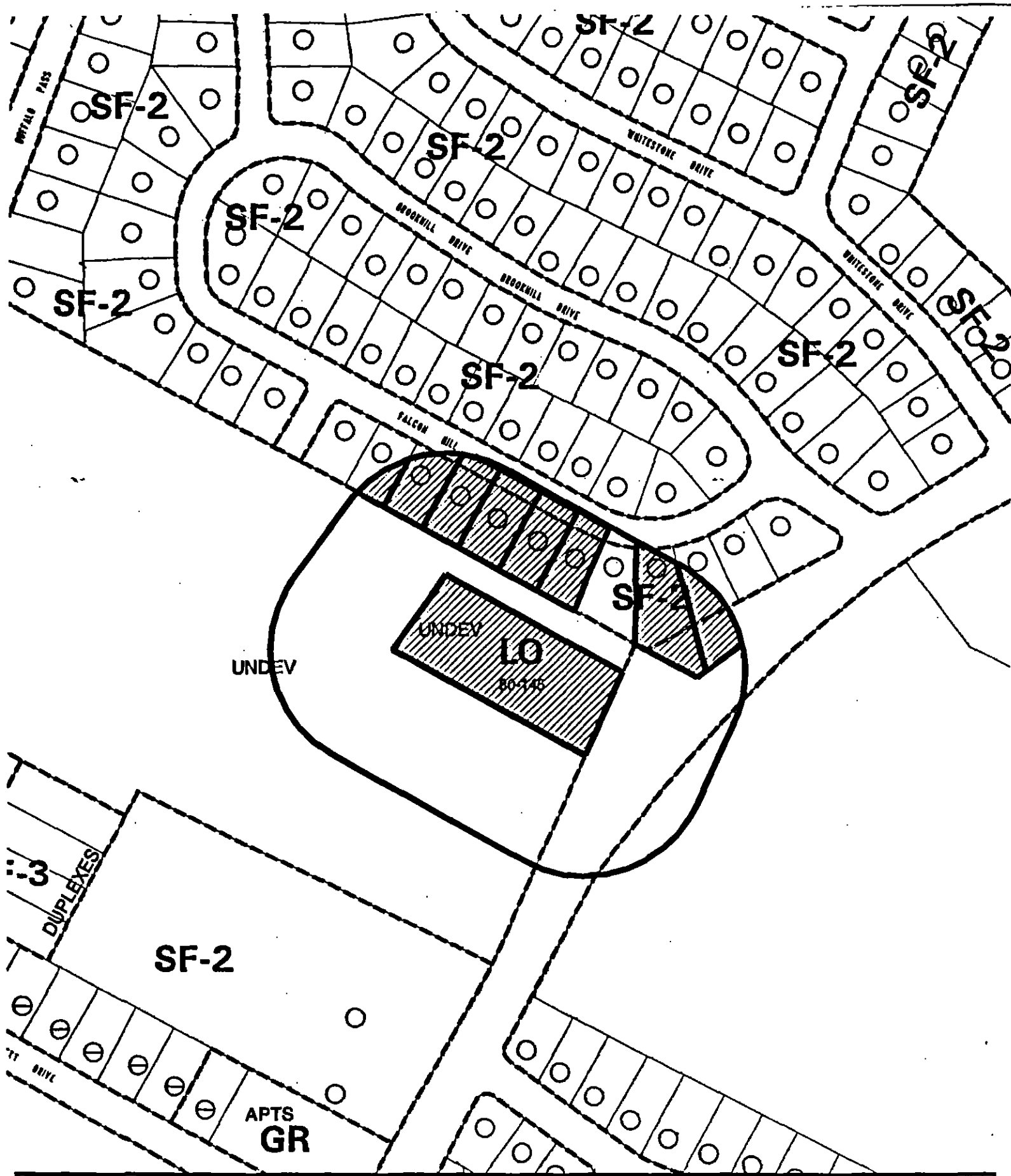
Thank you for your consideration.





Sincerely,


Joan Hilbig
Acting President
CCSWNA

Wanda Mills
2609 Coatbridge
Austin, TX 78745
wandarmills@hotmail.com
441-8346

Attachments: Petitions in opposition to rezoning



 1" = 200'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER F17
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0150	DATE: 05-04	
	CASE MGR: W. WALSH	ADDRESS: 6008 MANCHACA RD	SUBJECT AREA (acres): 1.197	INTLS: SM	

PETITION

Case Number:

C14-04-0150

Date:

Mar. 1, 2005

Total Area within 200' of subject tract: (sq. ft.)

323,765.98

1	<u>04-1316-0102</u>	<u>KELLEY BARBARA J FADELL</u>	<u>2,595.28</u>	<u>0.80%</u>
2	<u>04-1316-0103</u>	<u>CALLAGHAN WALLACE O TRUSTEE</u>	<u>8,589.93</u>	<u>2.65%</u>
3	<u>04-1316-0104</u>	<u>VANTVLIE MELANIE D JOHNSON CHAD R & KIMBERLY A</u>	<u>9,376.39</u>	<u>2.90%</u>
4	<u>04-1316-0105</u>	<u>KENT ROSA JO TRUSTEE</u>	<u>11,204.82</u>	<u>3.46%</u>
5	<u>04-1316-0106</u>	<u>COLEY TONYA MEDLOCK & CHRISTOP</u>	<u>10,294.55</u>	<u>3.18%</u>
6	<u>04-1316-0107</u>	<u>BUCHANAN BARBARA ANN</u>	<u>9,340.03</u>	<u>2.88%</u>
7	<u>04-1316-0109</u>	<u>ANDERSON DEIDRE & GEORGE SHANN</u>	<u>15,666.45</u>	<u>4.84%</u>
8	<u>04-1316-0110</u>		<u>8,394.04</u>	<u>2.59%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
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24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

75,461.49

Total %

23.31%

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: February 25, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0150

4. Rezoning: C14-04-0150 - Neighbor's Stop & Go
Location: 6008 Manchaca Road, Williamson Creek Watershed
Owner/Applicant: Anthony R. Bertucci
Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet)
Request: LO to CS – AMENDED TO LR-CO
Prev. Postponed from 11/02/04 (neighborhood); 11/16/04
Postponements (applicant)
Staff Rec.: NOT RECOMMENDED
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff – “This is one platted lot, presently zoned LO; this consists of a shopping center and single family residences to the north and undeveloped land and duplexes to the south. The applicant is proposing to rezone this to neighborhood commercial district and also proposes a conditional overlay that would prohibit all LR uses, except service stations and food sales. This is to develop the property with a service station and a convenience store. Staff is unable to recommend the applicant’s request; we feel that commercial zoning and development is concentrated further north. We feel that commercial zoning on this lot has the potential to create vehicle turning movements that are unsafe; as well as pedestrian crossings to the park and high school. We feel commercial zoning is less compatible to the single-family residence and condominiums. We are recommending maintaining the LO zoning that is on the property. However, if the applicant’s request is granted, we are requesting a conditional overlay for 2,000 vehicle trips”.

Commissioner Baker – “I’m not challenging the staff’s recommendation; but looking at our map, you have GR backing up to the school and most of the uses have driveways. What’s the rationale of not recommending a LR use here, when there’s GR uses a block away?”

Wendy Walsh – “Those GR uses are not located directly next to single-family residential”.

Commissioner Baker – “You mentioned the school; I was just trying to rationalize how staff arrived at that. Thank you”.

Ms. Walsh – “Primarily commercial zoning here would encourage turning movements that are perhaps less than desirable”.

Annick Beaudet, applicant – “The applicant had originally submitted for CS zoning and because their intent is to open a service station or a neighborhood store with four gasoline pumps. In response to the neighborhood concerns, I have been in contact with the neighborhood over the last 2 months, trying to work out a compromise and we’ve agreed to prohibit all LR uses except for service station and food sales; in addition, we would be

agreeable to prohibit any drive-in services as an accessory use. This site is part of an existing zoning site plan that was zoned in the 80's". Annick Beaudet gave a history of the area and the proposed tract. "Our client is proposing to do a family-owned convenience store on this tract. We feel that zoning should service a public need and not grant special privilege to an individual owner; we feel that this is an appropriate use. I will serve a public need; there will be a store nearby for the neighbors. We offered a restrictive covenant to rollback to GO if this use ceases".

Commissioner Hammond – "How far is this from the school?"

Ms. Beaudet – "Approximately 2,500-feet".

Commissioner Jackson – "What is the strip between the SF-2 and the LO?"

Ms. Beaudet – "That is part of the adjacent 49-acres that's SF-6; I believe it was done as a buffer when the original Independence Park came through".

Commissioner Baker – "That was actually filed as multi-family or SF-6; they indicated that it would be for elderly housing, but it was not a request for convalescent services".

Ms. Beaudet – "Thank you".

Commissioner Rabago – "You said you have been in contact with the neighborhood?"

Ms. Beaudet – "Yes, we have been in contact with Chris Butler, who is the acting president of the Cherry Creek Southwest and we proposed meetings with him and other representatives, but they refused to meet with us. We have talked through e-mail and correspondence".

IN FAVOR

No Speakers.

OPPOSITION

Jay Mills – Did not speak, but signed up in opposition.

Jimmy Mills – Did not speak; signed up in opposition.

Claudette Hulce – Did not speak; signed up in opposition.

Susan Kroft – Did not speak; signed up in opposition.

Barbara Buchanan – Did not speak; signed up in opposition.

David Kroft – Did not speak; signed up in opposition.

Stan Hilbig – Did not speak; signed up in opposition.

Joan Hilbig – “We do have concerns about rezoning; we have lived next door to convenience stores and we have first-hand experience. The noise was incredible, you could hear trucks backing up; the trash trucks that beep and bang when dumping the trash. The trash and pollution blows across the residential area. We have paper and cigarette butts that carpet the ground. It breeds insects and could be a health issue; we have had incidents where their food went bad and instead of hauling it off, they took an ice pick and drove holes into each of the top of the cans and let it sit outside, which attracted flies and maggots. They had a fire there once, it's a hang out for students, it encourages truancy; there have been robberies, so we hear police sirens. It attracts undesirable elements; people are out there selling stolen property. We have to question whether the City of Austin really needs more gas dispensing machines, gas pumps. We do not need an unattractive nuisance in our neighborhood”.

Chris Coley – Spoke in opposition.

Chris Butler – Signed up in opposition, but didn't speak.

REBUTAL

Annick Beaudet, applicant – “I think that the issues that the neighbors raised are more of an operator issue than it is a land use issue. Our client will not do the kinds of things that these people talked about. I don't know whether Austin needs more service stations, I just know that our client feels that the neighborhood store that he wants to operate is what would be productive at this time. I'd like to point out that there isn't any single-family directly abutting the store, which is a good thing. There's a 50-foot emergency access and the rest of the site is abutted by SF-6 zoning, which will one day be apartments, condos or townhomes. We feel that this makes sense from a planning perspective.

Commissioner Hammond – “How big is the tract that surrounds it?”

Ms. Beaudet – “49 acres”.

Commissioner Hammond – “Has it been on the market?”

Ms. Beaudet – “That I don't know; it was on the market in 1999-2000 and our client sold it to a developer in Houston who currently owns it”.

Commissioner Baker – “Mr. Hammond, it's in litigation”.

Commissioner Hammond – “Thank you; I should have asked you”.

Commissioner Rabago and Hammond moved to close the public hearing.

Commissioner Rabago – “I'd like to make a comment; I may support economic development for business owners; I have to admit that I am not willing to give my vote of

support for this commercial service change because I'm familiar with this neighborhood; I have friends who live there and I currently live near a place that does have trash trucks coming over at 2:00 in the morning and waking everybody up. I think that it is in the best interest of the entire community in that area that we do what we can to prevent any kind of injuries and accidents that could hurt students. I just wanted to share that opinion with everyone and I'd like to make a motion to accept staff's recommendation to deny general commercial services district zoning and maintain the limited office district zoning".

No second to the motion was made.

Commissioner Jackson – "I make a motion to approve LR-CO district zoning with the only allowable LR use being service station and food sales. I'd like to talk about limiting the hours of operation and limiting some of their normal convenience store type things that might...that would make the store function, but keeping it from getting unattractive".

Marty Terry, City Attorney – "Your restrictions are either going to occur in a conditional overlay or a restrictive covenant; a conditional overlay will be something that goes by the code provisions. To the extent that you want to impose conditions that are not contained in the Code, then we would do that through a restrictive covenant. Basically, we'll sort all of that out by the time it gets to Council and figure out what needs to be in the conditional overlay and what needs to be in a restrictive covenant. My recommendation to you is, let us know what you want the restrictions to be and what you want to impose and we'll figure it out".

Commissioner Jackson – "Well then I would like to limit the hours of operation from 6:00 a.m to 11:00 p.m., prohibit video games...."

Ms. Walsh – "Hours of operation, I know we could do through a public restrictive covenant; video games I'm not familiar with that the city can restrict, but it could be a private restrictive covenant with the neighborhood".

Commissioner Jackson – "Those are the two things that I want done".

Commissioner Hammond – "What about lighting on this site"?

Commissioner Jackson – "I think the lighting is covered by the compatibility standards".

Marty Terry – "Depending on what you specifically want to do, that one we could accomplish through a conditional overlay if you're talking about shielding lighting"?

Commissioner Jackson – "Okay; I want the lights shielded".

Commissioner Pinnelli – "What about hours of delivery"?

Commissioner Jackson – "That would be the same as hours of operation, wouldn't it"?

Ms. Terry – “Not necessarily to the extent that you wanted to deviate, that would be one that we would recommend as a private restrictive covenant”.

Commissioner Jackson – “Then I want to restrict the hours of operation and the hours of delivery, however we can do that”.

Ms. Terry – “Then what we would do is say ‘hours of operation’ because that covers both”.

Commissioner Rabago – “I was going to ask about dumpsters; can we put it in that concept also”?

Commissioner Jackson – “No, I’m going to leave the dumpster alone; I live around the corner of one and I understand the noise, but I don’t know how you can control that, they’re going to show up when they show up”.

Commissioner Donisi – “I will second the motion, if Mr. Jackson will make a friendly amendment which would be to add the staff’s 2,000 trip limit”?

Commissioner Jackson – “I will accept that”.

Commissioner Rabago spoke to why she didn’t like dumpsters and the noise that it brings to a neighborhood.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, DONISI
APPROVED LR-CO DISTRICT
ZONING WITH THE CO
PROHIBITING ALL LR USES EXCEPT
FOR SERVICE STATION AND FOOD
SALES, AND PERMITTING ALL LO
USES; 2,000 TRIPS; EXTERIOR
LIGHTING MUST BE HOODED OR
SHIELDED SO THAT THE LIGHT
SOURCE IS NOT DIRECTLY VISIBLE
FROM ADJACENT PROPERTY;
PUBLIC RESTRICTIVE COVENANT
ESTABLISHING THE HOURS OF
OPERATION BETWEEN 6:00 A.M.
AND 11:00 P.M.**

AYES:

**GOHIL, BAKER, JACKSON, DONISI,
PINNELLI**

NAY:

RABAGO, HAMMOND

ABSENT:

WHALEY, MARTINEZ

MOTION CARRIED WITH VOTE: 5-2.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6008 MANCHACA ROAD FROM LIMITED OFFICE (LO) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited office (LO) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-04-0150, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Independence Park Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200100043, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 6008 Manchaca Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

2. The following uses are prohibited uses of the Property:

Consumer convenience services
Financial services
Off-site accessory parking
Pet services
Printing and publishing
Custom manufacturing

Consumer repair services
General retail sales (convenience)
Personal services
Plant nursery
Restaurant (limited)

1 3. The following uses are conditional uses of the Property:

2
3 College and university facilities

Private secondary educational facilities

4
5 4. Exterior lighting shall be hooded or shielded so that the light source is not directly
6 visible from adjacent property.

7
8 Except as specifically restricted under this ordinance, the Property may be developed in
9 accordance with the regulations established for the neighborhood commercial (LR) base
10 district and other applicable requirements of the City Code.

11
12 PART 3. This ordinance takes effect on _____, 2005.

13
14
15 PASSED AND APPROVED

16
17
18
19 _____, 2005

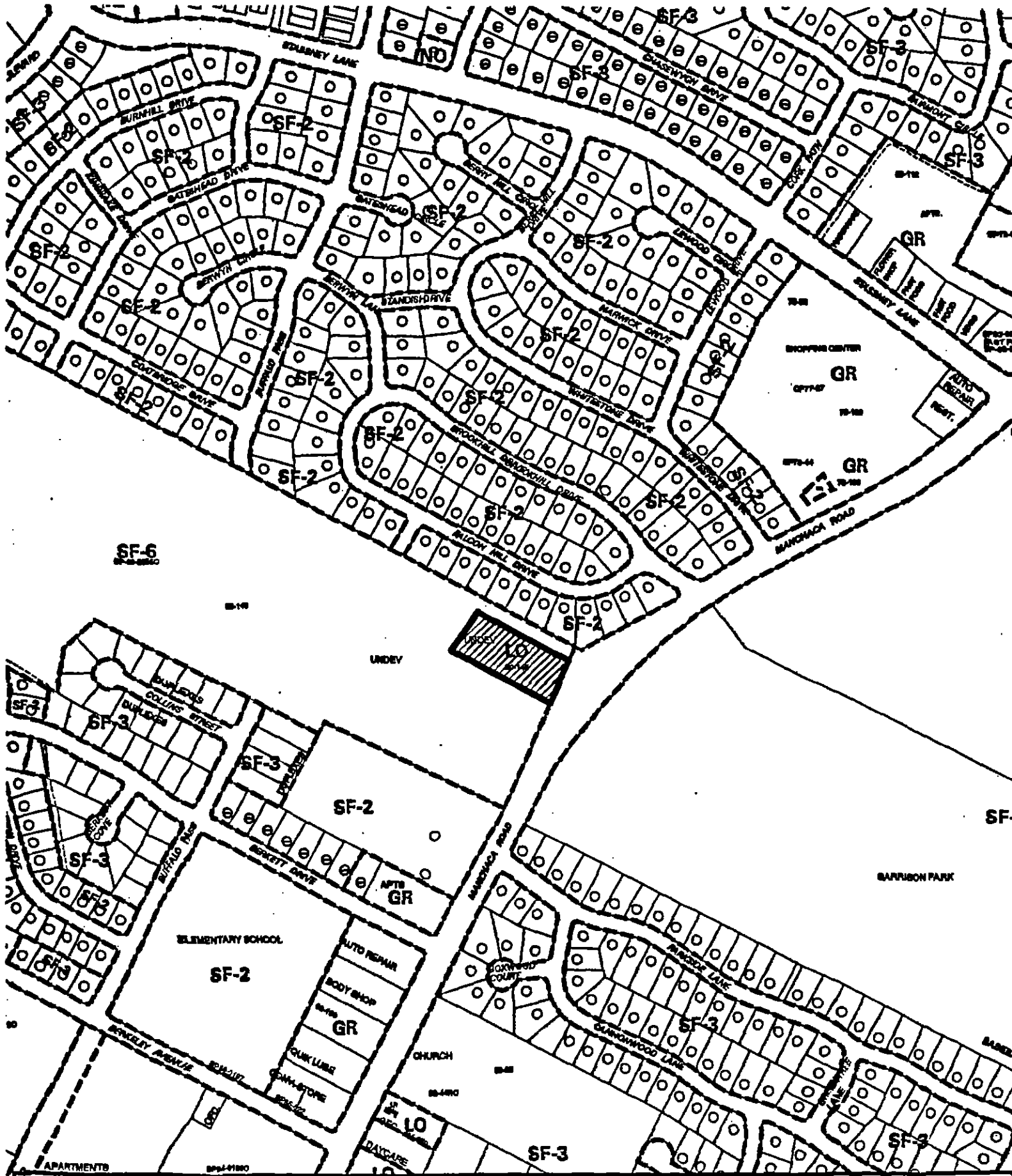
20 Will Wynn
21 Mayor

22
23
24 APPROVED:

25 David Allan Smith
26 City Attorney

ATTEST:

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-04-0150 ADDRESS: 6008 MANCHUCA RD SUBJECT AREA (acres): 1.187	DATE: 04-10 INTLS: 6M	CITY GRID REFERENCE NUMBER F17
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

RESTRICTIVE COVENANT

OWNER: Anthony R. Bertucci and Mildred L. Bertucci

ADDRESS: 9410 Hansford Drive, Austin, Texas 78753

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 2, Block A, Independence Park Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Document No. 200100043, Official Records of Travis County, Texas.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Hours of operation for a business located on the Property are limited to the hours of 6:00 a.m. to 11:00 p.m.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

Anthony R. Bertucci

Mildred L. Bertucci

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by Anthony R. Bertucci..

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2005, by Mildred L. Bertucci.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

March 7, 2005

VIA REGULAR & E-MAIL

Mayor and Council Members

Re: Z-7, C14-04-0150, Neighbor's Stop n' Go

Dear Mayor and Council Members:

As the owner's representative, I hereby request a postponement of the above referenced rezoning case to April 7, 2005 (a four week postponement). We have been in contact by phone with the neighborhood's representative, Ms. Joan Hilbig. The neighbor's and I have met formally to discuss details and compromise options in an attempt to find a "win win" project for this location. All parties are in agreement to this postponement request so that we may formally meet again to further discuss details of the case.

This case was first on your agenda February 17, 2005 and the neighborhood requested a postponement to March the 10th so that a formal meeting could be set for all parties. We are now asking for a subsequent postponement to hold a follow up meeting with all parties.

Respectfully submitted,

Annick Beaudet
Land Development Coordinator

ab

cc: Greg Guernsey, Manager, City of Austin, Neighborhood Planning & Zoning Department
Wendy Walsh, Senior Planner, City of Austin, Neighborhood Planning & Zoning
Department

Walsh, Wendy

From: Annick Beaudet [ABeaudet@mailbmc.com]
Sent: Wednesday, March 30, 2005 4:57 PM
To: Walsh, Wendy
Cc: Guernsey, Greg
Subject: C14-04-0150

RECEIVED

MAR 30 2005

Neighborhood Planning & Zoning



6008_Manchaca_A office_article Jan_
mendment.pdf 20_05.pdf

Hi Wendy~

Attached is a formal amendment request for the above referenced zoning case. Per the request of the neighborhood, we have brought in our western LR boundary by approximately 100 feet. Please have Tony or Stacy re-calculate the petition based on our new request; it may or may not affect the validity of the petition.

Please send me a copy via fax or e-mail of the new petition map and calculations at your earliest convenience, once you receive them.

Thanks Wendy!

Also, I have faxed Joan Hilbig, acting president of the Cherry Creek SW Neighborhood Association, a copy of our amendment letter, field notes, and additional restrictions we would agree to (70% impervious cover, a 35 ft. height limit, and no more than 4 fueling stations) in exchange for their support and support for hours of operation to 12 midnight rather than 11 PM.

Also, in the back up for next week can you reflect our request to midnight rather than 1 AM, our recent research supports midnight for this location.

Also attached to this e-mail is an article from the Austin American Statesman that show vacancy rates for offices in the Austin Area, the area that this tract is in has the highest office vacancy rate in all of Austin (63%). A City Council member's assistant suggested that this article and information be provided in the City Council back up for this case. So, I have provided it to you, should you decide to include it in your back up for next week.

Given the amendment to a depth similar to nearby GR property and the new information about the office market, we respectfully ask Staff to re-examine their recommendation for this zoning case.

Also, I am sending this letter and 2 copies of the original field notes, and the Office article, to you via regular mail tomorrow morning.

Again, thanks for your time and effort on this case.

Annick C. Beaudet
Land Development Coordinator
Brown McCarroll, L.L.P. (Austin Office)
111 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone 512-703-5741

March 30, 2005

VIA E-MAIL & REGULAR MAIL

**Ms. Wendy Walsh, Senior Planner
City of Austin-NP&ZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704**

Re: Neighbor's Stop n' Go, C14-04-0150, Formal Amendment

The purpose of this letter is to formally amend the above referenced zoning case to a lesser acreage than what was originally requested. Enclosed with this letter are two (2) sets of field notes which reduce the area we are requesting to be rezoned to neighborhood commercial (LR) district designation.

We hereby remove Tract 2 from our rezoning request and request LR for Tract 1 only. This amendment is in response to the neighborhood representatives' concern for neighborhood commercial encroachment into the adjacent SF-6 zoned property. Per their suggestion we have reduced the depth of our request by approximately 100 feet; the depth of our LR request is now almost exactly the same depth as the strip of community commercial (GR) district zoning to the south, between Berkett Drive and Berkeley Avenue.

Respectfully submitted,

Annick Beaudet

Annick Beaudet, Land Development Coordinator

ab
Enclosures

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD

**FIELD NOTES
FOR
GENE WATKINS**

TRACT 1

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 2, BLOCK A, INDEPENDENCE PARK, AS RECORDED IN DOCUMENT #200100043, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the most Easterly corner of the said Lot 2, Block A, Independence Park, as recorded in Document #200100043, Official Public Records, Travis County, Texas, being in the West r.o.w. line of Manchaca Road, for the most Easterly corner hereof;

THENCE, with the West r.o.w. line of Manchaca Road, S 26°00'20" W for a distance of 150.33 feet to an iron rod found at the most Southerly corner of the said Lot 2, Block A, for the most Southerly corner hereof;

THENCE, with the Southwest line of the said Lot 2, Block A, N 58°52'58" W for a distance of 258.02 feet to a point, for the most Westerly corner;

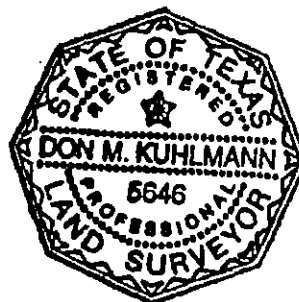
THENCE N 29°01'00" E for a distance of 149.80 feet to a point in the Northeast line of the said Lot 2, Block A, for the most Northerly corner hereof;

THENCE, with the Northeast line of the said Lot 2, Block A, S 58°53'28" E for a distance of 250.12 feet to the PLACE OF BEGINNING.

**AS SURVEYED BY
DOUG SEELIG LAND SURVEYORS P.C.**

Don M. Kuhlmann

DON M. KUHLMANN
Registered Professional Land Surveyor No. 5646
3802 Manchaca Road
Austin, Texas 78704
March 29, 2005
Work Order No. 22378



FIELD NOTES
FOR
GENE WATKINS

TRACT 2

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 2, BLOCK A, INDEPENDENCE PARK, AS RECORDED IN DOCUMENT #200100043, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron rod found at the most Easterly corner of the said Lot 2, Block A, Independence Park, as recorded in Document #200100043, Official Public Records, Travis County, Texas, being in the West r.o.w. line of Manchaca Road;

THENCE, with the Northeast line of the said Lot 2, Block A, N 58°53'28" W for a distance of 250.12 feet to the PLACE OF BEGINNING hereof;

THENCE S 29°01'00" W for a distance of 149.80 feet to a point in the Southwest line of the said Lot 2, Block A, for the most Southerly corner hereof;

THENCE, with the Southwest line of the said Lot 2, Block A, N 58°52'58" W for a distance of 102.07 feet to an iron rod found at the most Westerly corner of the said Lot 2, Block A, for the most Westerly corner hereof;

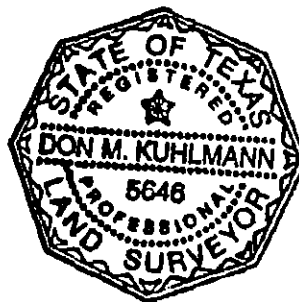
THENCE N 37°30'46" E for a distance of 150.63 feet to an iron rod found at the most Northerly corner of the said Lot 2, Block A, for the most Northerly corner hereof;

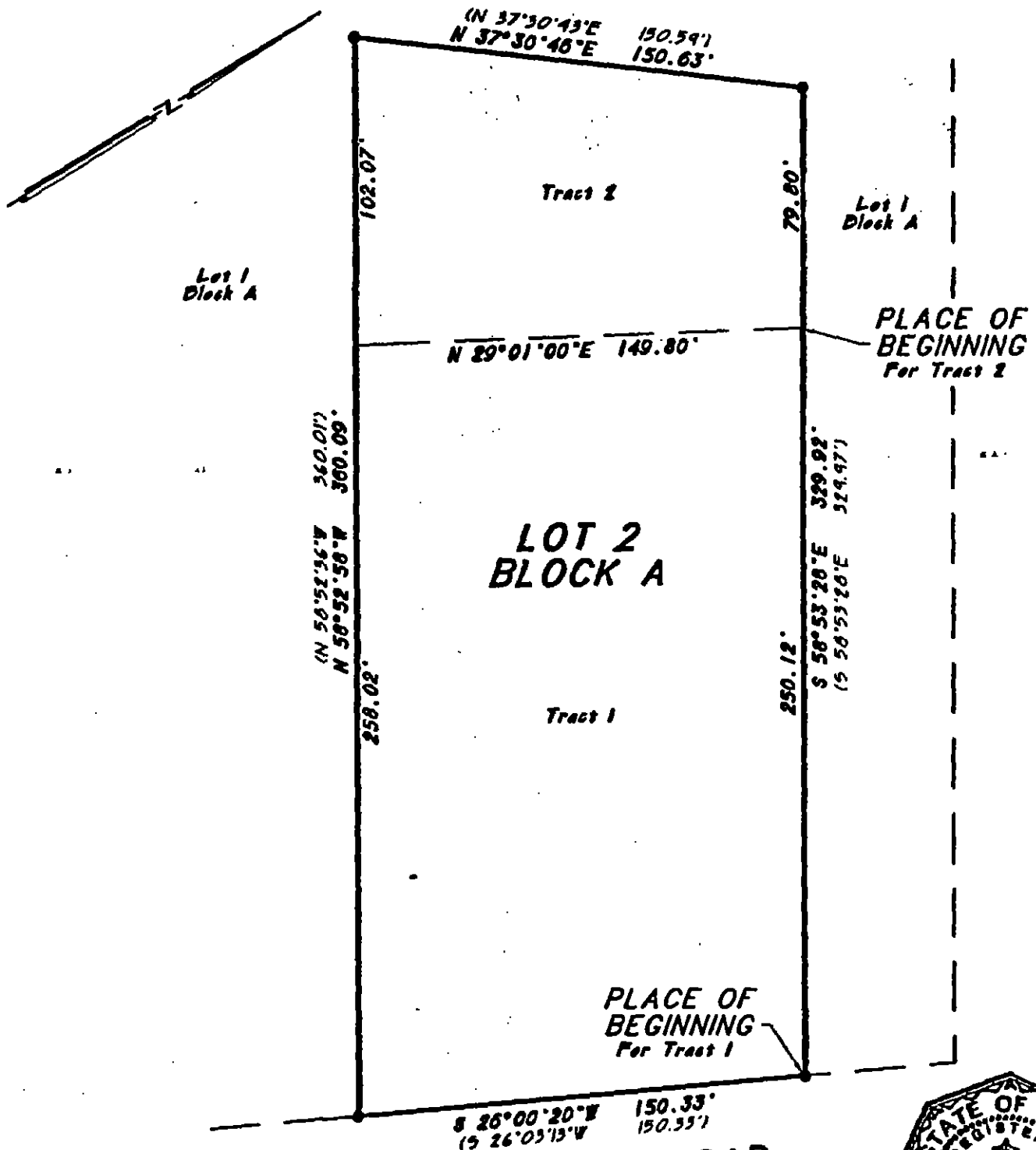
THENCE S 58°53'28" E for a distance of 79.80 feet to the PLACE OF BEGINNING.

AS SURVEYED BY
DOUG SEELIG LAND SURVEYORS P.C.

Don M. Kuhlmann

DON M. KUHLMANN
Registered Professional Land Surveyor No. 5646
3802 Manchaca Road
Austin, Texas 78704
March 29, 2005
Work Order No. 22378





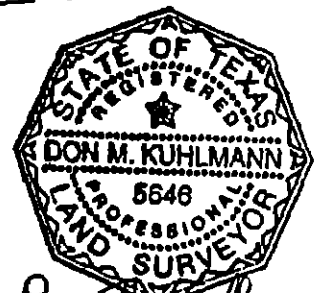
MANCHACA ROAD
R.O.W. Varies -- Asphalt Pavement

LEGEND

● Iron Rod Found
() Record Information
Date 3/29/05
Scale 1"=50'
Invoice No. 22378
Work Order No. 22378

MAP TO ACCOMPANY FIELD NOTES FOR
LOT 2, BLOCK A, INDEPENDENCE PARK,
AS RECORDED IN DOCUMENT #200100043,
OFFICIAL PUBLIC RECORDS, TRAVIS
COUNTY, TEXAS

Address: 6008 Manchaca Road

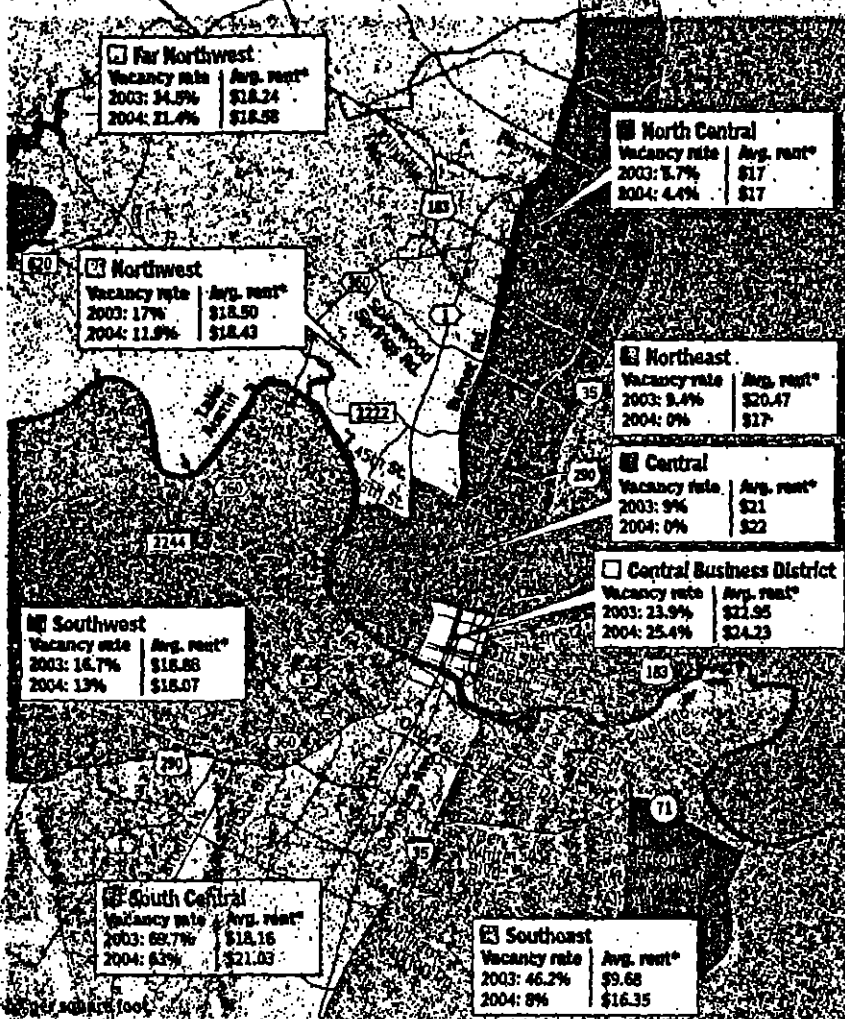


Don M. Kuhlmann
DON M. KUHLMANN
Registered Professional
Land Surveyor No. 5646

DOUG SEELIG LAND SURVEYORS, P.C.
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222

Best year since 2000 in Austin office market

Fourth-quarter Austin office market — class A space



Source: Colliers Oxford Commercial

AMERICAN-STATESMAN HTAFF

Occupancy levels, rents rise in quarter; growth expected to continue this year

By Shonda Novak
AMERICAN-STATESMAN HTAFF

The Austin area office market ended 2004 in its best shape in four years, and more improvement is expected this year.

Occupancy levels and rents rose during the fourth quarter as companies leased about 1.2 million more square feet of office space last year than what became available. It was the first annual net gain in office space occupancy since 2000, and an omen of continued job growth and an improving

economy, Colliers Oxford Commercial Inc. said in releasing its latest figures Wednesday.

"There is no question about the fact that we are well past the bottom of the market," said Jon Coddington, managing director of investment properties with the commercial real estate brokerage.

The overall occupancy rate in the fourth quarter of 2004 averaged 80.8 percent, the highest level since the fourth quarter of 2001.

More good news — at least for landlords — came as rents city-wide hit their highest level in two years, rising an average of 76 cents to \$18.78.

The improved showing is a reversal from the trend of the past four years, when tenants were reluctant to sign leases

knowing a cheaper deal was around the corner.

"As the market improves and occupancy rates increase, rents are going up," said Ford Alexander, a principal with Colliers Oxford.

And although the suburbs, like downtown, are still seeing some musical chairs as tenants upgrade to nicer digs at favorable rates, "space is being absorbed, which means jobs are being created, which means the economy is getting healthier," Alexander said.

Nearly half of all the space filled was in far Northwest Austin, where several large leases were signed during 2004. Overall vacancy dropped from 31.4 percent to 20.9 percent —

See OFFICES, back page

70TH LEGISLATURE

Lawmakers aim to scrap gift cards

Bills filed in Texas also would scrap e

By Dan Zehr

AMERICAN-STATESMAN HTAFF

Two Texas lawmakers and expiration dates that gift cards and gift certificates.

A bill filed by Sen. M. Houston, would eliminate most gift cards purchased by some cases it would allow dormancy fees after two years would cap them at \$1 per year.

The Senate version also would give the option to use their gift then receive the remaining

"I'll pay \$50 in American certificate for your birthday that across the board," Galla not be penalized in any form.

Separate legislation introduced by Sen. Martin, D-Westlake, would increase the value of a gift card's value are "hurting the consumer, money to purchase that gift."

Retailing groups say the necessary and that retailers in cover the cost of providing in most states, including Texas used for a period can be coo

See GIFT CARDS, C5

Spidey cr triumphs comics gi

By Larry McShane

AMERICAN-STATESMAN HTAFF

NEW YORK — Stan Lee, the hero creator who gifted Spidey powerful "spidey-sense," is fee his own — in his wallet.

A Manhattan federal judge entitled to a potential multimillion-dollar profit from Marvel Enterprises from the company's television and particularly the box office smash which earned more than \$800 million and its hugely successful sequel.

"It could be tens of millions of dollars," said David Weiss, attorney for Lee, said Weiss no exaggeration.

The Monday ruling from U.S. Judge Robert Sweet found that Lee 10 percent of the profit generated 1968 by Marvel Productions Inc. company's characters, including the prolific cartoonist, who is 82.

See COMICS, back page



OFFICES: Brokers expecting more space to be filled up in 2005

Continued from C1

significant decline for the city's largest submarket.

Several new companies came to Austin in 2004, including Qualcomm Inc., which leased 50,000 square feet in the Arden area, while some Austin-based companies, such as Sigmetrix Inc., expanded.

And several large firms searched as far under way in the Austin area that would bring new jobs, although the region is competing with other cities for those projects.

That and other positive indicators are fueling brokers' optimism.

"We see larger deals, more confident decisions on space amounts and greater deal velocity," said Mike Kennedy, president of Commercial Texas LLP, an Austin-based commercial brokerage.

"As difficult as 2004 might have been, we've definitely turned the corner, and 2005 will be better. In virtually all of our technology client calls over the second half of 2004, more hiring for 2005 was anticipated."

The boost in occupancy — up 4.4 percentage points from the final months of 2003 — was mainly because of steady leasing activity and declining sublease space, said Michael Bula,

president of Bula Dodge Consulting of Austin.

Sublease space, which has been dragging the market down since the tech bust of 2001, dropped 45 percent to 760,000 square feet of available space.

A lack of new construction also helped curb vacancies. A dramatic increase in construction costs from rising steel prices helped keep new construction in check, Bula said.

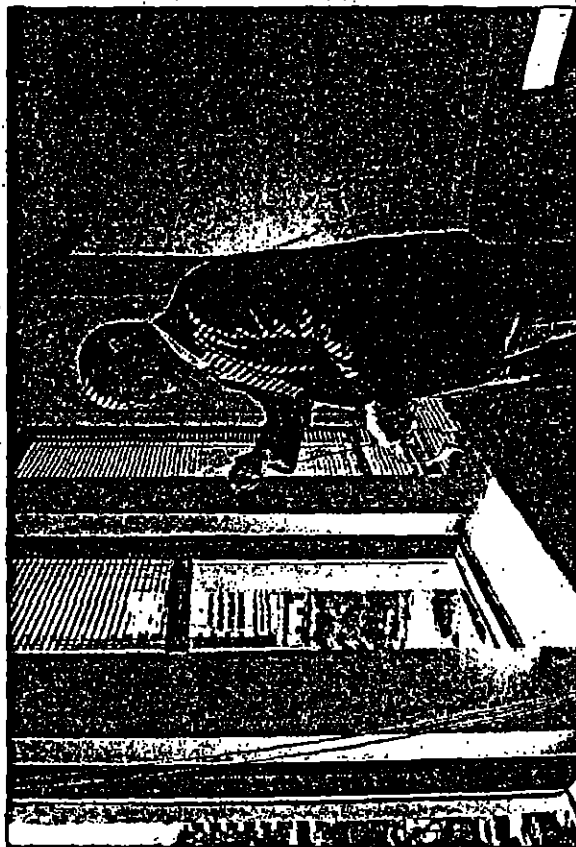
"No one wants to develop in a cost bubble," he said.

Still, with about 7 million square feet of vacant space in the market, the region isn't out of the woods yet. For the market to reach a healthy 90 percent occupancy level, landlords need to fill another 2.5 million square feet.

That translates to 17,500 office jobs, said Alexander, who thinks it will take two to three years for that to happen.

Although it will be several years before most parts of town see construction cranes again, work could start sooner in Southwest Austin, where office buildings are approaching 90 percent occupancy and several developers are talking about starting new buildings.

Looking ahead, Alexander expects rents and occupancies to increase in all parts of town in 2005.



Lease Seeking AMERICAN-STATESMAN

There are some musical chairs going on downtown in the fourth quarter. Brett Arable, a broker with Colliers Oxford Commercial, is marketing nearly 30,000 square feet in the Norwood Tower.

The possible exception could be downtown, where occupancy continues to lag the market. That's mainly because of the 555,000-square-foot Frost Bank Tower, which opened a year ago, taking tenants from other buildings, even as it still has about one-third of its space left to fill.

"I think it's a question mark because there's still so much vacancy," Alexander said. "Frost Bank coming on line has been fruit-breaded turnover."

Still, the downtown market is on the mend, as rents reached their highest level in two years, ending the year at \$24.35 for class A space, despite a 35.4 percent vacancy rate.

There's definitely a lot of good activity downtown.

Brett Arable
Office specialist with Colliers Oxford Commercial Leasing

Brett Arable, an office specialist with Colliers, can attest to the improvement. Arable is looking for tenants for three downtown office buildings, including nearly 30,000-square feet of space in the elevated Norwood Tower, where Lucie Johnson Turpin and her husband, Jim, live in a two-story loft atop the 15-story office building.

Most of the empty Norwood space was formerly occupied by the city's legal department, which recently moved to the new City Hall.

"In the last 14 days, I've done at least 10 tours downtown," Arable said. A year ago, "I had five or six tours in a month. It would have been a good thing," Arable said. "There's definitely a lot of good activity downtown, which is something we haven't seen in a little while."

www.statesman.com 468-2853

April 7, 2005, 2005

VIA E-MAIL & REGULAR MAIL

Ms. Wendy Walsh, Senior Planner
City of Austin-NP&ZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Neighbor's Stop n' Go, C14-04-0150, Formal Amendment

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We hereby remove Tract 2 from our rezoning request and request LR for Tract 1 only. This amendment is in response to the neighborhood representatives' concern for neighborhood commercial encroachment into the adjacent SF-6 zoned property. Per their suggestion we have reduced the depth of our request by approximately 100 feet; the depth of our LR request is now almost exactly the same depth as the strip of community commercial (GR) district zoning to the south, between Berkett Drive and Berkeley Avenue. In addition we have honored a compatibility set back along the north side even though said set back is not required as the north property line is already 50 feet from the nearest SF-2 property.

Respectfully submitted,

Annick Beaudet, Land Development Coordinator

ab
Enclosures

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD

April 7, 2005

VIA E-MAIL

Ms. Wendy Walsh, Senior Planner
City of Austin-NP&ZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Neighbor's Stop n' Go, C14-04-0150, Formal Amendment

The purpose of this letter is to amend the above referenced zoning application as follows:

1. return the boundary of the land to be rezoned to the originally-requested entire 1.197 acres; and
2. amend the requested zoning category to General Office-Mixed Use (GO-MU).

Please contact me if you have any questions about this amendment. We would like for this amendment to be presented to the Council today. Thank you.

Sincerely,


Nikelle S. Meade

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD
Anthony Bertucci
Mildred Bertucci

icc: Annick C. Beaudet

April 25, 2005

VIA E-MAIL

Ms. Wendy Walsh
Senior Planner
City of Austin-NP&ZD

Re: C14-04-0150

Please accept this letter to amend the above referenced zoning case to LR-MU-CO. We propose to prohibit the following uses:

Service Station

Club or Lodge

Drive in services as an accessory use to a Restaurant (Limited) use

I received an e-mail corresponded from Ms. Wanda Mills today stating that she was still gathering comments from her neighbor's and would get back to me as soon as she had some information to report. If the neighborhood does not feel that there are any uses in LR that would be beneficial to them, I have told them that we would amend our application back to the GO-MU category to allow for the possibility of office/residential development for the site.

I hope to talk with the neighborhood next Monday and we will report to you as soon as we have reached an agreement.

Yours very truly,



Annick Beaudet
Land Development Coordinator

AB:ab

May 2, 2005

VIA E-MAIL

Ms. Wendy Walsh, Senior Planner
City of Austin-NP&ZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Neighbor's Stop n' Go, C14-04-0150, Amendment

The purpose of this letter is to amend the above referenced zoning application as follows:

- Amend the requested zoning category to General Office-Mixed Use-Conditional Overlay (GO-MU-CO).
- The Conditional Overlay would restrict the site to Limited Office (LO) development regulations, and prohibit drive in services as an accessory use to a restaurant (limited) use, and limit residential units to no more than 12 units per acres or 14 units.

This amendment is based on neighborhood's and staff input regarding the desire to maintain office zoning for this property. Since the last City Council meeting we have done some research, and based on that information our client has agreed to amend to GO-MU-CO.

We respectfully ask for Staff to reconsider our new request of GO-MU-CO. We hope you will find this district designation appropriate for the following reasons: (1) reduced traffic generation and positive change in traffic flows as compared to the previous LR request, (2) allows for a more reasonable sized office development give the increased population in the area since 1985 (when the current zoning site plan was approved), and (3) is consistent with the Envision Central Texas results which call for more responsible density and the utilization of undeveloped parcels as a means for City growth.

Given the 1.2 acre size of the property, our agreed to LO development regulations, and the adjacent SF-6 zoning, we agree to no more than 14 residential units.

Lastly, please remember that the current LO zoning and accompanying zoning site plan was put in place at a time when the City utilized "zoning site plans" and the LO zoning was deemed appropriate as it related to the adjacent convalescent services (it was to provide medical services to an adjacent, elderly community). Staff is aware that the zoning site plan for the planned convalescent services is not going to be realized (a replacement site plan was recently applied for and the neighborhood contacted me today to state that Newmark Homes is

Ms. Wendy Walsh, Senior Planner
May 2, 2005
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considering development of the site) and therefore we request that this information be considered when considering our new request of GO-MU-CO. The City has changed since 1985 and the SF-6/LO zoning for this area was put in place as a result of a zoning site plan that never materialized. Please consider our reasonable request for GO-MU-CO.

Thank you in advance for your patience, time and attention to this project.

Sincerely,



Annick C. Beaudet
Land Development Coordinator

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD (VIA FAX ~ 974-6054)
Anthony Bertucci (VIA Regular Mail)
Mildred Bertucci (VIA Regular Mail)